

This is how I feel (from ZDNet):

COMMENTARY--Hollywood appears to be nearing a victory in its latest maneuvers in the copyright wars.

The Federal Communications Commission is weighing a plan to forcibly implant copy-protection technology in digital television receivers. Comments on the proposal are due Friday.

This is a worrisome plan that, if adopted by the FCC, could lead to increased government regulation of technology and reduced fair use rights. The idea is that digital TV transmissions will include a "broadcast flag" designating shows that may not be copied freely.

Here's the rub: To accomplish this, manufacturing TVs and tuners that do not recognize the broadcast flag must be verboten. Because no sane person would buy crippled hardware--probably at a higher cost--if given a choice, new laws or regulations will be necessary.

In August, the FCC voted unanimously to begin the regulation-drafting process. W. Kenneth Ferree, the head of the FCC's Media Bureau, said at the time that without such legal prohibitions, "near-perfect copies of digital content can be distributed in violation of copyright laws."

There are a few problems with this argument. First, near-perfect copies of digital content are already available on CDs and DVDs. Second, anyone with a pirate receiver that ignores the broadcast flag can distribute the program freely: It only takes one person making a file available on Kazaa for the file to leak permanently.

Third, depending on how the regulation is written, it could limit the public's ability to use the broadcasts in legitimate, non-infringing ways. Fourth, as computers and TVs continue to converge, this approach will inevitably lead to greater regulations imposed on PC companies and perhaps even operating system makers.

It's true that Hollywood and the TV studios have legitimate concerns about piracy, and widespread copyright infringement via the Internet appears to be growing. But it's hardly clear whether this is the wisest approach.

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